

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

## Transcript Designation and Ordering Form

U.S. Court of Appeals Case No. \_\_\_\_\_ U.S. District Court Case No. 03-00130 MRL/BMK  
 Short Case Title John A. Moffett v. SMF Systems Corporation, et al.  
 Date Notice of Appeal Filed by Clerk of District Court December 30, 2005

## SECTION A - To be completed by party ordering transcript

HEARING DATE(s) \_\_\_\_\_ COURT REPORTER \_\_\_\_\_ PROCEEDINGS(strike portion not desired)  
 See attached sheet(s) \_\_\_\_\_

Voir Dire

Opening Statements

Settlement Instructions

Closing Arguments

Jury Instructions

Pre-Trial Proceedings

Other (please specify) \_\_\_\_\_

(additional page for designations if necessary)

- ( ) I do not intend to designate any portion of the transcript and will notify all counsel of this intention.  
 (X) As retained counsel (or litigant proceeding in pro per). I request a copy of the transcript and guarantee payment to the reporter of the cost thereof upon demand. I further agree to pay for work done prior to cancellation of this order.  
 ( ) As appointed counsel I certify that an appropriate order authorizing preparation of the transcript at the expense of the United States has been, or within 5 days hereof will be, obtained and delivered to the reporter. I agree to recommend payment for work done prior to cancellation of this order.

Date transcript ordered 1/13/06 Estimated date for completion of transcript 2/10/06  
 Print Name of Attorney Donna H. Kalama Phone Number (808) 547-5600  
 Signature of Attorney [Signature]  
 Address c/o Goodsill Anderson Quinn & Stifel  
1099 Alakea Street, Suite 1800, Alii Place  
Honolulu, HI 96813

## SECTION B - To be completed by court reporter

- I, Cynthia Fajardo have received this designation.  
 ( ) Arrangements for payment were made on 1/17/06  
 ( ) Arrangements for payment have not been made pursuant to FRAP 10(b).

Approximate Number of Pages in Transcript--Due Date 2/10/06  
3/1/06

## SECTION C - To be completed by court reporter

When the transcript is filed, complete this section and submit to the U.S. district court with the completed transcript. The district court will not file the transcript without this completed form.

Date transcript filed 2/28/06 Court Reporter's Signature Cynthia Fajardo

## SECTION D - To be completed by the Clerk

U.S. DISTRICT COURT CLERK: I certify that the record is available in the office of the U.S. District Court.

Sue Beitia 03/02/06 BY: Aaron Quinney  
 (U.S. District Court Clerk) (date) DEPUTY CLERK

rec'd  
11/7/06 g

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAR 02 2006

at 2 o'clock and 0/10 M  
SUE BEITIA, CLERK

Moffett v. SMF Systems Corporation, et al.  
 USDC Civil No. 03-00130

Hearing Date	Court Reporter	Proceeding
✓ September 19, 2005	Cynthia Tando Fazio	Opening Statements (Judge Manuel L. Real)
✓ September 19, 2005	Cynthia Tando Fazio	Jury Selection and Jury Trial (Judge Manuel L. Real)
✓ September 20, 2005	Cynthia Tando Fazio	Further Jury Trial (2nd Day) (Judge Manuel L. Real)
✓ September 21, 2005	Cynthia Tando Fazio	Further Jury Trial (3rd Day) Bench Trial on ERISA Issues (Judge Manuel L. Real)
September 22, 2005	Cynthia Tando Fazio	Further Bench Trial on ERISA Issues Closing Arguments on ERISA Issues (Judge Manuel L. Real)

**Pretrial Proceedings**

Hearing Date	Court Reporter	Proceeding
✓ March 11, 2005	ESR TAPE (C6CD 2:07-2:33)	Hearing on Plaintiff's Motion to Compel Production of Documents by Defendants SMF Systems Corporation, Tom Caffrey, and Ruby Caffrey (Magistrate Judge Kurren)
<del>May 3, 2005</del> - not recorded -	<del>ESR TAPE</del>	<del>Final Pretrial Conference</del> (Magistrate Judge Kurren)
✓ May 17, 2005	Stephen Platt	Status Conference regarding Trial Date, etc. (Judge Manuel L. Real)

Moffett v. SMF Systems Corporation, et al.  
 USDC Civil No. 03-00130

Hearing Date	Court Reporter	Proceeding
August 30, 2005	Cynthia Tando Fazio/ Stephen Platt	Hearing on Defendants SMF Systems Corporation, Tom Caffrey and Ruby Caffrey Motion for Summary Judgment Hearing on Defendants Tom Caffrey and Ruby Caffrey's Motion for Partial Summary Judgment Final Pretrial Conference (Judge Manuel L. Real)
September 19, 2005	Cynthia Tando Fazio	Hearing on Various Motions in Limine (Judge Manuel L. Real)